

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIAS ILYIA,

Plaintiff,

vs.

MAROUN EL KHOURY and SOPHIE
JALBERT EL KHOURY,

Defendants.

Case No. C11-1593RSL

ORDER DENYING DEFENDANT
MAROUN EL KHOURY'S MOTION
FOR TEMPORARY RESTRAINING
ORDER

This matter comes before the Court on "Defendant Maroun El Khoury's Motion for Temporary Restraining Order." Dkt. # 101. Defendant seeks to enjoin plaintiff from making "extrajudicial statements to Lebanese officials, French officials, or other persons about the alleged 'theft' of [plaintiff's] business, which is the subject of this litigation." Motion at 1.

In order to obtain preliminary injunctive relief, the movant must establish "that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Natural Res. Def. Council, 555 U.S. 7, 129 S. Ct. 365, 374 (2008). Defendant has not, however, asserted a libel or slander counterclaim against plaintiff. Absent a claim on which he has a hope of succeeding, defendant is not entitled to preliminary equitable

1 relief unrelated to any causes of action asserted in this litigation. More importantly, defendant
2 seems to be requesting an impermissible prior restraint on plaintiff's speech. The mere fact that
3 defendant denies plaintiff's allegations does not mean that plaintiff is bound to remain silent.
4 Except in specific circumstances supported by existing case law, the Court will not preclude a
5 litigant from seeking relief through any and all available means.

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7 For all of the foregoing reasons, defendant's motion for a temporary restraining
8 order is DENIED.

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10 Dated this 13th day of December, 2012.

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12 Robert S. Lasnik
13 United States District Judge
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